

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
Ellen Lipton Hollander
District Court Judge

101 West Lombard Street
Baltimore, Maryland 21201
410-962-0742

February 8, 2022

MEMORANDUM TO COUNSEL AND MR. AND MS. NORRIS

Re: *Amanda Norris, et al., v. PNC Bank, N.A., et al.*
Civil Action No. ELH-20-3315

Dear Counsel and Mr. and Ms. Norris:

Defendants Safeguard Properties Management, LLC (“Safeguard”) and PNC Bank, N.A. (“PNC”) have moved for summary judgment. ECF 109 (Safeguard); ECF 110 (PNC). Following a two-week extension (ECF 121), plaintiffs had until January 26, 2022, to file an opposition to the summary judgment motions.

Plaintiffs filed a partially handwritten opposition on January 26, 2022. ECF 130. As defendants have noted (ECF 132 at 4, 11; ECF 140 at 2), portions of plaintiffs’ opposition are illegible. Moreover, the text of the opposition cited to exhibits, but no exhibits were submitted with the filing. Safeguard replied on February 3, 2022 (ECF 132), and PNC replied the next day. ECF 140.

On February 3, 2022, plaintiffs filed an “Emergency Motion for Extension of Time to File Plaintiffs’ Opposition/Response to Defendants’ Motions for Summary Judgment.” ECF 133 (the “Emergency Motion”).¹ Simultaneously, plaintiffs filed a revised version of their opposition, accompanied by voluminous exhibits. *See* ECF 134; ECF 135; ECF 136; ECF 137; ECF 138; ECF 141. In the Emergency Motion, plaintiffs asked the Court to “withdraw the current Opposition and replace it with the one attached,” *i.e.*, ECF 134. ECF 133 at 1. Notably, the revised opposition is entirely typewritten. Plaintiffs explain their delay, claiming that Mr. Norris had to recover from surgery; the public library they rely upon to prepare their briefing had “a number of technical difficulties”; and their car had been “totalled [sic].” *Id.*

By Order of February 4, 2022 (ECF 142), the Court granted the Emergency Motion; substituted ECF 134 for ECF 130; and granted defendants 21 days to reply to the revised opposition. ECF 142.

In response, defendants have filed a “Joint Motion for Reconsideration” of the Court’s Order of February 4, 2022. ECF 143 (the “Joint Motion”). In the Joint Motion, defendants make a number of sound arguments as to the repeated extensions that plaintiffs have sought and obtained

¹ The Emergency Motion was not docketed until February 4, 2022.

throughout the summary judgment briefing process.² There is no doubt that the Court has been generous in its treatment of the plaintiffs, largely because they are self-represented.

In my judgment, it was in the interest of justice to grant the Emergency Motion and to permit plaintiffs to substitute ECF 134 for ECF 130. Plaintiffs asserted a number of circumstances that, according to plaintiffs, made it difficult for them to meet the deadline of January 26, 2022. In any event, the Court is not persuaded that adapting defendants' replies to ECF 134 will entail quite the effort that defendants suggest, particularly given the additional time provided by the Court. Further, the Court notes that plaintiffs' original opposition was not accompanied by any exhibits, although plaintiffs had referenced exhibits. And, it is not uncommon for summary judgment briefing to be accompanied by substantial exhibits.

Notably, defendants have not identified any prejudice that will result from a modest further delay. And, the Fourth Circuit has a "strong policy favoring the disposition of cases on the merits" *Rangarajan v. Johns Hopkins Univ.*, 917 F.3d 218, 229 (4th Cir. 2019) (discussing *United States v. Shaffer Equip. Co.*, 11 F.3d 450, 462 (4th Cir. 1993)), *cert. denied*, ___ U.S. ___, 139 S. Ct. 2762 (2019).

For the foregoing reasons, the Joint Motion is DENIED. Therefore, ECF 134, not ECF 130, shall remain as plaintiffs' opposition to defendants' summary judgment motions. But, in light of the concerns raised in the Joint Motion, I shall grant defendants an additional week to reply to ECF 134, *i.e.*, until **March 4, 2022**.

On February 7, 2022, as this Court was preparing this Memorandum, plaintiffs filed "Plaintiffs' Addition to Plaintiffs' Opposition to Defendants' Revised Motions for Summary Judgment." ECF 144. The filing seeks to make several minor or technical modifications to ECF 134 and the exhibits. The Court will permit plaintiffs to make the requested changes. However, no further changes may be made to plaintiffs' opposition.

Despite the informal nature of this Memorandum, it is an Order of the Court and the Clerk is directed to docket it as such.

Very truly yours,

/s/

Ellen Lipton Hollander
United States District Judge

CC to plaintiffs by U.S. Mail

² The Joint Motion also devotes considerable time to discussing plaintiffs' communication with defense counsel, and plaintiffs' characterization of those communications in the Emergency Motion. *See* ECF 143, ¶¶ 12-18.